

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JIMMY LEE MITCHELL,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. C12-1930-RSL

ORDER OF DISMISSAL

The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and Recommendation of Brian A. Tsuchida, United States Magistrate Judge, and the remaining record, does hereby find and **ORDER**:

- (1) The Court **ADOPTS** the Report and Recommendation.
- (2) Petitioner's proposed 28 U.S.C. § 2241 habeas petition is **DISMISSED** without prejudice.
- (3) Petitioner is **DENIED** issuance of a certificate of appealability.
- (4) Petitioner's application to proceed in forma pauperis is **STRICKEN** as moot.
- (5) The Clerk shall send copies of this Order to petitioner and to Judge Tsuchida.

DATED this 11th day of January, 2013 .



Robert S. Lasnik
United States District Judge